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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,270	03/20/2001	Shoeb M. Javed	VIDE01-00014	2598

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EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 02/10/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,270

Applicant(s)

JAVED, SHOEB M.

Examiner

Hosuk Song

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-13, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 6, 14-16, 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5,7-13,17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yorke-Smith(US 5,548,648) in view of Payton(US 5,831,662).

Claims 1,7: Yorke-Smith discloses a memory for storing selected digital data file and a plurality of encryption keys and plurality of corresponding decryption keys in (col.2,lines 29-36). Yorke-Smith discloses a segmentation controller capable of dividing selected digital data file into a plurality of segments in (col.2,lines 50-58). Yorke-Smith discloses an encryption controller capable of encrypting each of plurality of segments with a selected one of plurality of encryption keys in (col.2,lines 33-36). Yorke-Smith does not specifically disclose a transmission controller capable of determining an average bandwidth of communication network over an N second period and transmitting plurality of encrypted segments to subscriber device in an N second period at an average data rate at least equal to average bandwidth of communication network. Payton's patent discloses this features in (col.4,lines 18-41). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ average bandwidth determinator by the transmission controller as taught in Payton with digital content transmission device disclosed in Yorke-Smith so that lowered number fragments are preferably transmitted with a period equal to their number to reduce the average bandwidth while the higher numbered

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fragments are preferably transmitted with a period less than or equal to their number to reduce variability in the peak bandwidth requirement thus preventing bottleneck and delay.

Claims 2,3: Neither Yorke-Smith or Payton discloses transmitting decryption keys to the subscriber upon receipt of a verification signal. It would have been obvious to person of ordinary skill in the art to modify the invention of Yorke-Smith and Payton to include a verification signal in order to assure the sender that sender is transmitting keys to authorized receiver. One of ordinary skill in the art would have been motivated to use verification step in order to prevent key compromise by the intruders.

Claim 4: Yorke-Smith discloses segmentation controller is capable of adjusting the size of each one of plurality of segments in (col.2,lines 1-15).

Claim 5; Yorke-Smith discloses segmentation controller is capable of adjusting the size of each one of plurality of segments according to parameters set by transmission controller in (col.2,lines 1-28).

Claim 8: Neither Yorke-Smith or Payton discloses compressing each segment prior to encryption. Official notice is taken that compression is well known in the art. One of ordinary skill in the art would have been use compression technology in order to enhance data transmission speed and save storage space.

Claim 9: Yorke-Smith discloses a memory for storing selected digital data file and a plurality of encryption keys and plurality of corresponding decryption keys in (col.2,lines 29-36). Yorke-Smith discloses a segmentation controller capable of dividing selected digital data file into a plurality of segments in (col.2,lines 50-58). Yorke-Smith discloses an encryption controller capable of encrypting each of plurality of segments with a selected one of plurality of encryption keys in (col.2,lines 33-36). Yorke-Smith does not specifically disclose a transmission controller capable of determining an average bandwidth of communication network over an N second

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period and transmitting plurality of encrypted segments to subscriber device in an N second period at an average data rate at least equal to average bandwidth of communication network. Payton's patent discloses this features in (col.4,lines 18-41). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ average bandwidth determinator by the transmission controller as taught in Payton with digital content transmission device disclosed in Yorke-Smith so that lower numbered fragments are preferably transmitted with a period equal to their number to reduce the average bandwidth while the higher numbered fragments are preferably transmitted with a period less than or equal to their number to reduce variability in the peak bandwidth requirement thus preventing bottleneck and delay.

Claims 10,11: Neither Yorke-Smith or Payton discloses transmitting decryption keys to the subscriber upon receipt of a verification signal. It would have been obvious to person of ordinary skill in the art to modify the invention of Yorke-Smith and Payton to include a verification signal in order to assure the sender that sender is transmitting keys to authorized receiver. One of ordinary skill in the art would have been motivated to use verification step in order to prevent key compromise by the intruders.

Claim 12: Yorke-Smith discloses segmentation controller is capable of adjusting the size of each one of plurality of segments in (col.2,lines 1-15).

Claim 13: Yorke-Smith discloses segmentation controller is capable of adjusting the size of each one of plurality of segments according to parameters set by transmission controller in (col.2,lines 1-28).

Claim 17: Yorke-Smith discloses a memory for storing selected digital data file and a plurality of encryption keys and plurality of corresponding decryption keys in (col.2,lines 29-36). Yorke-Smith discloses a segmentation controller capable of dividing selected digital data file into a plurality of segments in (col.2,lines 50-58). Yorke-Smith discloses an encryption controller

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capable of encrypting each of plurality of segments with a selected one of plurality of encryption keys in (col.2,lines 33-36). Yorke-Smith does not specifically disclose a transmission controller capable of determining an average bandwidth of communication network over an N second period and transmitting plurality of encrypted segments to subscriber device in an N second period at an average data rate at least equal to average bandwidth of communication network. Payton's patent discloses this feature in (col.4,lines 18-41). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ average bandwidth determinator by the transmission controller as taught in Payton with digital content transmission device disclosed in Yorke-Smith so that lower numbered fragments are preferably transmitted with a period equal to their number to reduce the average bandwidth while the higher numbered fragments are preferably transmitted with a period less than or equal to their number to reduce variability in the peak bandwidth requirement thus preventing bottleneck and delay.

Claims 18: Neither Yorke-Smith or Payton discloses transmitting decryption keys to the subscriber upon receipt of a verification signal. It would have been obvious to person of ordinary skill in the art to modify the invention of Yorke-Smith and Payton to include a verification signal in order to assure the sender that sender is transmitting keys to authorized receiver. One of ordinary skill in the art would have been motivated to use verification step in order to prevent key compromise by the intruders.

Allowable Subject Matter

2. Claims 6,14-16,19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6,14,19: Prior art of record does not teach parameters set by transmission controller are one of equal to the average bandwidth and exceed the average bandwidth of communication network.

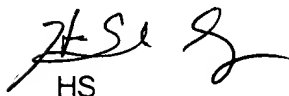
Claims 15-16,20,21 are allowed because of dependency.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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